

**ATTORNEY'S DOCKET NUMBER: 0492611-0532 (MIT 9851)**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|--------------|--|-------------------|------|
| Applicant:   | Kohane, <i>et al.</i>  | Examiner:         | Holt |
| Serial No.:  | 10/727,032   | Art Unit:         | 4133 |
| Filing Date: | December 2, 2003   | Confirmation No.: | 4419 |
| Title:       | PROLONGED SUPPRESSION OF ELECTRICAL ACTIVITY IN<br>EXCITABLE TISSUES |                   |      |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION UNDER 37 C.F.R. § 1.132**

I, Daniel S. Kohane, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application, Serial No. 10/727,032, filed December 2, 2003, entitled "Prolonged Suppression of Electrical Activity in Excitable Tissues" (the '032 application).
2. This Declaration is presented for the purpose of removing from consideration by the Examiner a reference by Kohane *et al.*, U.S. Patent 6,326,020, issued December 4, 2001 (the '020 patent). The present Declaration is presented in accordance with *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982) and establishes that the allegedly anticipatory material in the '020 patent was not invented by another.
3. Robert S. Langer and I are the inventors on the instant application and we are inventors on the '020 patent.
4. Charles B. Berde, Gary Strichartz and Robert S. Langer are the other co-inventors on the '020 patent.

5. Berde and Strichartz are not inventors of the claimed invention in the '032 application.

7. I, Daniel S. Kohane, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.



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Daniel S. Kohane, M.D., Ph.D.

March 28, 2008

Date